

REMARKS

Claims 1-6 are pending in this Application. Claims 1-6 were rejected by the Examiner. The Applicant has amended claim 1 and canceled claims 2-3. All claim amendments are fully supported by the specification. No new matter has been added.

35 U.S.C. §103(a)

Claims 1, 2, and 4-6

The Examiner rejected claims 1, 2, and 4-6 under 35 U.S.C. §103(a) as being unpatentable over Schramm et al. (U.S. Ref. No. 6,208,663) in view of Roobol et al. (U.S. Ref. No. 6,301,479), Dirschedl et al. (U.S. Ref. No. 6,262,994), in further view of Hunzinger et al. (U.S. Ref. No. 7,164,654), and further in view of Dahlman et al. (U.S. Ref. No. 6,907,005).

The Schramm reference discloses a method and system for block ARQ whereby when connection quality drops below an acceptable threshold, ARQ techniques use an alternative modulation/coding scheme.

The Dirschedl reference discloses an arrangement for optimization of data transmission via a bi-directional radio channel. Respective types of modulation can be selected at a transmitter side, with a code rate of forward error correction (FEC) and power of transmitter devices provided at a reception side.

The Hunzinger reference discloses a method and apparatus for controlling the maximum number of retransmissions of an information packet that may be attempted if the information packet was not properly received. Hunzinger assigns a maximum allowable retransmission (MAR) values in order to limit the number of retransmissions.

The Dahlman reference discloses a scheme for flexible ARQ. In Dahlman, a communication channel is set up between a transmitter and receiver and a value is selected for an ARQ parameter for data packets transmitted of the channel. First

and second ARQ parameter values are selected for a desired tradeoff between desired performance and goals.

The Roobol reference discloses a technique for providing a secure link when transitioning between pairs of link layer protocol entities in a mobile communication system.

Among other deficiencies in the Schramm, Roobol, Dirschedl, Hunzinger, and Dahlman references, there is no disclosure, teaching, or suggestion of "selectively nulling subchannels from an OFDM frequency set wherein the use of a poor quality subchannel is precluded for a predetermined period and adding a previously nulled subchannel back into the OFDM frequency set where a retransmission rate or retransmission rate or link quality indicates a high quality for the previously nulled subchannel" as is recited in the Applicant's amended independent claim 1.

Accordingly, the Applicant's amended independent claim 1 is patentable over the Schramm, Roobol, Dirschedl, Hunzinger, and Dahlman references whether taken alone or in any combination with one another.

Claims 4-6 depend from patentable amended independent claim 1 and are therefore patentable for at least the same reasons as patentable amended independent claim 1.

Claims 2-3 are canceled in the present reply.

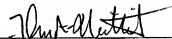
Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the Applicant's undersigned attorney by telephone at the Examiner's convenience.

In view of the foregoing remarks and amendments, the Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully solicited.

Respectfully submitted,

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